IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

WP(C).No. 4796 of 2007(U)

PETITIONER:

PUSHPITHA BAI. B, UPPER DIVISION CLERK,
OFFICE OF THE ASSISTNAT EDUCATIOANL OFFICER,
THIRUVANANTHAPURAM (SOUTH), THIRUVANANTHAPURAM,
RESIDING AT T.C.43/475 (3),
GANGA NAGAR, VALLAKKADAVU P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.GOPAKUMAR R.THALIYAL

RESPONDENTS:

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1. THE ASSISTANT EDUCATIONAL OFFICER,
THIRUVANANTHAPURAM (SOUTH)
THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
THIRUVANANTHAPURAM.

3. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

4. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, VIGILANCE (B)
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 4796 OF 2007

Dated this the 2nd March, 2007.

JUDGMENT

The petitioner is working as Upper Division Clerk in the General Education Department. She was placed under suspension along with four others as per Ext.P1 order dated 5.7.2002 passed by the Government in the Vigilance Department. Subsequently Ext.P2 order was passed on 23.8.2003 reinstating the petitioner and two others. It is the grievance of the petitioner that the period of suspension from 5.7.2002 to 23.8.2003 has not been regularised and the petitioner is not able to work out her service prospects.

2. Govt. Pleader on instruction submits that the suspension order was passed pending investigation into a vigilance case registered as VC1/2002/SRT and the petitioner was reinstated in service without prejudice to the investigation and further proceedings in the above vigilance case. It is also submitted that the vigilance case is still under investigation, and therefore, the claim made by the petitioner for regularising the period of suspension cannot be considered at this stage.

3. I find merit in the above submission of the Government Pleader. Though the petitioner has filed

Exts.P4 and P5, the Government in the Vigilance Department may not be able to pass effective orders on Exts.P4 and P5. The same can be done after the investigation or further proceedings pursuant to the registration of the vigilance case is over. The petitioner will have to wait till the above proceedings are finalised. Thereafter, it will be open to her to approach the Government and seek for necessary orders. With the above observation this writ petition is disposed of.

K.K.DENESAN
Judge

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